

REMARKS

Claims 1-28 are pending in the present application. Claims 17-26 are withdrawn from consideration.

Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5 of co-pending Application No. 10/540,376. Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5 of co-pending Application No. 10/540,435. Claims 1-5, 7, 11 and 15 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5, 7, 11 and 12 of co-pending Application No. 10/540,436.

Claims 6, 8-10, 12-14, 16 and 27-28 were objected to but indicated as being allowable if written in independent form.

Withdrawn claims 17-26 have now been cancelled. Reconsideration of the application based on the following remarks is respectfully requested.

Nonstatutory Obviousness-Type Double Patenting Rejections

Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5 of co-pending Application No. 10/540,376. Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5 of co-pending Application No. 10/540,435. Claims 1-5, 7, 11 and 15 were provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-5, 7, 11 and 12 of co-pending Application No. 10/540,436.

Terminal disclaimers under 37 C.F.R. 1.321 have been submitted herewith to overcome the provisional nonstatutory obviousness type double patenting rejections. It is respectfully submitted that the provisional nonstatutory obviousness-type double patenting rejections are now moot in view of these filings.

Application No. 10/540,071
Response dated March 25, 2009
Reply to Final Office Action of December 29, 2008

Docket No.: 20941/0211435-US0

Reconsideration and withdrawal of the provisional nonstatutory obviousness-type double patenting rejections is respectfully requested.


CONCLUSION

It is respectfully submitted that the application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

By 

Erik R. Swanson

Registration No.: 40,833

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant